



GALLATIN COUNTY

311 West Main, Rm. 306 • Bozeman, MT 59715

County Commission

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May 27, 2011

Renai Hill- DEQ Permitting and Compliance Division
Waste and Underground Tank Management Bureau
Solid Waste Program - Metcalf Building
P.O. Box 200901
Helena, Montana 59620-0901

RE: Robbins Septic/ Foster Property at 6090 Springhill Road, Belgrade, Montana

Dear Ms. Hill:

The Gallatin County Commission is in receipt of the Montana Department of Environmental Quality's (DEQ's) April 29, 2011 Notice of providing DEQ's Environmental Assessment (EA) for the above application on the above property. The Commission, at the public's request, conducted a noticed public hearing on May 25, 2011, to consider whether or not Gallatin County would take a position on the application. Prior to that meeting, the Commission received information and testimony at noticed public meetings regarding the above application for the above property.

The Commission opposes the issuance of the above permit based upon information provided by the public that demonstrates that the granting of the permit may cause significant human health issues, as well as environmental degradation. The Commission's opposition is based on the following specific issues:

1. The public testimony indicates the application and the EA likely contain erroneous information, including but is limited to:
 - A. incorrect statement of the distance from proposed application to existing residential and commercial buildings;
 - B. incorrect distance from surface water;
 - C. inches/year disposal rate statements within the EA document may be in error;
 - D. the omission of information about ephemeral streams which run through the proposed application site, through neighboring properties, and into the East Gallatin River; and,
 - E. the potential for non-compliance regarding the removal of solid waste matter from such application sites.
2. The information supporting the above, as well as other numerous reasons for opposition relating to this application indicating a detrimental effect on human health and the environment are documented in the attached public records from May 17, 2011, May 20, 2011 and May 25, 2011. Please review all attached public information in conjunction with the application and EA.

3. Further, Gallatin County Planning Director Sean O'Callaghan notified DEQ on Friday, May 20, 2011 (by letter) that the Zoning Certification for the above application was rescinded. As Director O'Callaghan informed DEQ in that letter the proposed use is not specifically listed as a permitted or conditional use within Zoning District #6. The applicant may request an interpretation of the use if they feel the specific use is similar and compatible with authorized uses in the District. The use could only be authorized if the Commission finds, among other required findings, that the use will not cause substantial injury to the values of property in the neighborhood. No such request for interpretation has been submitted as of the date of this letter.


Finally, one of our local newspapers reported, and your department confirmed, that the applicant orally requested the application be withdrawn. As of May 25, 2011, DEQ had not received a written request to withdraw that application.

We, as representatives of the citizens of Gallatin County, request that you provide to us written notice when and if the application is withdrawn. We will then pass that information onto our constituents.

We thank you for your time and consideration of this letter and the attached information presented by the public in response to the above application and EA.

Sincerely,

Gallatin County Commissioners



William A. Murdock, Chairman



Joe P. Skinner, Member



R. Stephen White, Member

Encl: recordings of public meeting 5/17/2011 and documents provided, recording of public meeting 5/20/ 2011 and documents provided and recording of public hearing 5/25/2011 and documents provided

Cc: Gallatin County Health Department
Gallatin County Attorney
Frank and Viviana Larrabster
Susan Swimley